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5 UNITED STATES DISTRICT COURT  
6 EASTERN DISTRICT OF WASHINGTON

7 UNITED STATES OF AMERICA,  
8 Plaintiff,

9 -vs-

10 BENITO MARCIAL-GONZALEZ,  
11 Defendant.

NO. CR-06-6047-WFN-1

ORDER

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13 A first pretrial conference and motion hearing was held November 21, 2006. The  
14 Defendant, who is in custody, was present and represented by Alex Hernandez and assisted  
15 by Court-appointed interpreter Levi Enriguez; Assistant United States Attorney Pamela  
16 Byerly represented the Government.

17 The Court addressed Defendant's Motion to Dismiss (Ct. Rec. 15). The Court has  
18 reviewed the file and Defendant's Motion to Dismiss and is fully informed. This Order is  
19 entered to memorialize and supplement the oral rulings of the Court. Accordingly,

20 **IT IS ORDERED** that:

21 1. An additional pretrial conference and motion hearing shall be held **December 7,**  
22 **2006, at 10:15 a.m., in Yakima,** Washington.

23 2. Defendant's Motion to Dismiss, filed November 3, 2006, **Ct. Rec. 15**, is **DENIED**.

24 3. All time from the filing of Defendant's Motion to Dismiss on November 3, 2006,  
25 to the date of the hearing on November 21, 2006 is **EXCLUDED** for speedy trial calculations  
26 pursuant to 18 U.S.C. § 3161(h)(1)(F).

1 The District Court Executive is directed to file this Order and provide copies to  
2 counsel.

3 **DATED** this 21st day of November, 2006.

4  
5 s/ Wm. Fremming Nielsen  
6 WM. FREMMING NIELSEN  
11-21 SENIOR UNITED STATES DISTRICT JUDGE